

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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CG, an infant by his mother and natural guardian, AURORA J.
GEORGES and AURORA J. GEORGES, individually,

Plaintiff,

Case No:

-against-

**JURY TRIAL
DEMANDED**

TARGET CORPORATION

Defendant.

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NOTICE OF REMOVAL

Pursuant to 28 U.S.C. §§ 1332, 1441 and 1446, Defendant, TARGET CORPORATION (hereinafter “TARGET”), by the undersigned counsel, hereby removes to this Court the above captioned action, which was pending against it in the Supreme Court of the State of New York, County of KINGS. Removal is based on the following grounds:

1. On or about August 22, 2022, Plaintiff, CG, an infant by his mother and natural guardian, AURORA J. GEORGES and AURORA J. GEORGES, individually, commenced a civil action against TARGET in the Supreme Court of the State of New York, County of KINGS, docketed as Index No. 524283/2022 (hereinafter the “Lawsuit”).

2. On or about September 6, 2022, TARGET was served with a copy of the Summons and Verified Complaint in this Lawsuit via State of New York, Department of State, Division of Corporations. A true and accurate copy of the Summons, Verified Complaint and Affidavit of Service upon the Secretary of State is attached as **Exhibit A**.

3. This Notice of Removal is being filed by TARGET pursuant to 28 U.S.C. § 1446(2) more than thirty days after service of a copy of the Summons and Verified Complaint because the pleadings do not specify the amount in controversy and a good faith effort has been made to verify the alleged injuries.

4. In this Lawsuit, Plaintiff asserts causes of action against TARGET based upon negligence.

5. The Lawsuit alleges that solely as a result of TARGET's negligence, "within the premises of Defendant, Target Corporation, located at 1598 Flatbush Ave, Brooklyn, N.Y., within the premises the infant plaintiff was cased to sustain personal injuries due to an unsafe condition." (Verified Complaint at ¶ 31).

6. This Court has jurisdiction over this case pursuant to 28 U.S.C. § 1332 due to complete diversity among the parties' citizenship and because the amount in controversy allegedly exceeds \$75,000 exclusive of interest and costs.

Diversity Jurisdiction Exists

7. Plaintiff resides in the County of KINGS, and therefore is a citizen of the State of New York. (*See* Summons).

8. Defendant TARGET is a Minnesota business corporation and has its principal place of business in Minneapolis, Minnesota. Target is not a citizen of the State of New York, nor do they have principal places of business in New York. No change in the place of incorporation or principal place of business of TARGET has occurred since the commencement of this Lawsuit.

Amount In Controversy Exceeds \$75,000

9. In the Complaint, Plaintiff seeks unspecified damages for personal injuries suffered at a TARGET store when “within the premises of Defendant, Target Corporation, located at 1598 Flatbush Ave, Brooklyn, N.Y.

10. On September 20, 2022, Plaintiff’s counsel was requested to stipulate that the recovery for damages would be capped at \$75,000 and that TARGET would forego their request for removal. Plaintiff’s counsel advised via email that day that Plaintiff would not so stipulate. A Notice of Removal was timely filed on October 17, 2022. See **Exhibit B**.

11. On October 27, 2022, Hon Judge Chen (22-cv-6247) sua sponte remanded the case to State Court holding that the Defendant had failed to meet its burden to show that the \$75,000 jurisdictional limit had been met. See **Exhibit C**.

12. Thus, the Defendant served a demand for damages on November 11, 2022. See **Exhibit D**. Plaintiff’s counsel responded on December 12, 2022, claiming damages in the amount of \$ 1million dollars. See **Exhibit E**. Thus, we are filing a timely Notice of Removal.

13. This Lawsuit is, therefore, a civil action over which this Court has original jurisdiction pursuant to 28 U.S.C. § 1332 and is one which may be removed to this Court pursuant to the provisions of 28 U.S.C. §§ 1441 and 1446. Furthermore, removal to this judicial district and division is proper pursuant to 28 U.S.C. § 1441(a) as this is the district and division embracing KINGS County, New York, where the Lawsuit is pending.

14. This Notice is accompanied by copies of all process, pleadings and orders served upon defendant in this action.

15. Promptly after this filing, this Notice of Removal will be served on Plaintiff, and TARGET will file a copy of this Notice of Removal with the Clerk of Court for the Supreme Court for the State of New York, County of KINGS.

16. This Notice is signed in accordance with Federal Rule of Civil Procedure 11.

WHEREFORE, Defendant, TARGET CORPORATION respectfully removes the Lawsuit to this Court.

Dated: New York, New York
December 20, 2022

By: *Alice Spitz*
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